

60. (once amended) The [method] device of claim 44 wherein said drug is incorporated into a time released matrix.

REMARKS

Claims 1-9 and 13-60 are pending in this application. In the official action dated July 27, 1995, claims 1-9, 13-34 and 37-60 were rejected, and claims 35 and 36 were objected to. More particularly, the drawings and specification were objected to, and claims 1-9 and 13-31 were rejected under 35 U.S.C. Section 112, first paragraph, because the specification and drawings allegedly do not disclose or illustrate the "restraint" limitation recited in the claims. Claims 7-9, 13-21, 33, 34 and 37-60 were rejected under 35 U.S.C. Section 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 32-34, 37-39, 41, 42, 44, 45 and 52 were rejected under 35 U.S.C. Section 102(b) as allegedly anticipated by Lemelson. Claims 40 and 53-60 were rejected under 35 U.S.C. Section 103 as allegedly obvious in view of Lemelson. It was also noted in the office action that Claims 35 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to in independent form including all of the limitations of the base claim and any intervening claims. Also, claims 1-9 and 13-31 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. Section 112. Finally, a new oath/declaration identifying the pending application by serial number and filing date was required.

Turning now to the objections to the specification and drawings and the rejection of claims 1-9, 13-34 and 37-60, Applicants submit that an example of the claimed "restraint" is illustrated and disclosed by the inner surface of the catheter 21. As best illustrated in Figures 2 and 3, the inner surface of the catheter 21 holds the puncturing element in a retracted position until the catheter surface is removed by moving the puncturing element toward the "window" opening 30 in the catheter 21.

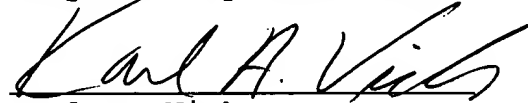
Amendments have been made to the appropriate ones of claims 7-9, 13-21, 33, 34 and 37-60 to address their rejection under 35 U.S.C. Section 112, second paragraph.

Claims 32 and 42 have been amended to each incorporate the substance of claim 35 (which was noted as being allowable), thus defining claims 32-34, 37-42, 44, 45 and 52-60 over the Section 102(b) and 103 rejections based on Lemelson.

Finally, Applicants submit herewith a new oath/declaration identifying the pending application by serial number and filing date.

Accordingly, it is respectfully submitted that the accompanying amendments and remarks respond fully to the outstanding office action and place the claims in condition for allowance. If, for any reason, the Examiner is unable allow the application on the next office action and feels that a telephone conference would help clear up any unresolved matters, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



Karl A. Vick
Registration No. 33,288
Attorney for Applicant

WILLIAN BRINKS HOFER
GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4247